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Pamela J. Sherwood  
BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road Suite 200  
Menlo Park, California 94025

In re Application of :  
JACKSON et al. :  
Application No.: 09/462,962 :  
PCT No.: PCT/GB98/02115 : DECISION UNDER  
Int. Filing Date: 16 July 1998 : 37 CFR 1.182  
Priority Date: 16 July 1997 :  
Attorney Docket No.: MEWE-010 :  
For: INTERACTION OF ATM, ATR OR DAN-PK :  
WITH P53 :

This decision is in response to applicant's "Request for Corrected Filing Receipt" filed 30 May 2000, which has been treated as a petition under 37 CFR 1.182. The \$130 petition fee under 37 CFR 1.17(h) has been charged to Deposit Account No. 50-0815, as authorized in the transmittal letter filed 30 May 2000.

**BACKGROUND**

On 14 January 2000, applicant filed a Transmittal Letter (Form PTO-1390) for entry into the national stage in the United States which identified the international application as **PCT/US98/02115**. Accompanied the transmittal letter, applicant included: (1) an information disclosure statement; (2) an unexecuted declaration; (3) a preliminary amendment; and (4) a check in the amount of \$1404 (\$840 as the basic national fee, \$18 for additional total claim, and \$546 for seven additional independent claims).

On 17 March 2000, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a one-month time limit in which to respond.

On 10 April 2000, applicant filed a second Transmittal Letter accompanied by an executed declaration identifying the international application as PCT/GB98/02115.

On 26 April 2000, a Notification of Acceptance was issued identifying the 35 U.S.C. 102(e) and 371(c) date as 10 April 2000. Subsequently, an Official Filing Receipt was issued indicating a "FILING DATE" of 10 April 2000 and indicating that "this application is a 371 of PCT/US98/02115."

On 30 May 2000 and 07 March 2001, applicant filed a "Request for Corrected Filing Receipt."

**DISCUSSION**

A review of the international publication for PCT/GB98/02115 reveals that this is the international application corresponding to the application submitted here. **However, the Transmittal Letter**

**submitted by applicants misidentified the international application number as PCT/US98/02115.** Based on applicant's error, a national stage application file was created for PCT/US98/02115, rather than for PCT/GB98/02115.

On 16 July 1998, applicants filed international application no. PCT/GB98/02115 which claimed a priority date of 16 July 1997, and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 28 January 1999. A Demand was filed with the International Preliminary Examining Authority electing the United States. As a result, the deadline for entry into the national stage in the United States expired 30 months from the priority date, on 17 January 2000. (16 January 2000 was a Sunday.)

Further review of the application papers originally filed on 14 January 2000 reveal that none of the originally filed papers identified PCT/GB98/02115. As such, none could be used to identify the correct international application. Therefore, the basic national fee cannot be associated with the correct international application no. PCT/GB98/02115 as of 18 January 2000, and thus, the application is **ABANDONED** for failure to timely pay the basic national fee.

In order to continue processing of the national stage application for PCT/GB98/02115, applicant must submit a corrected Transmittal Letter (Form PTO-1390) and a petition to the Commissioner under 37 CFR 1.137(a) or (b) requesting that the application be revived. Any petition filed under 37 CFR 1.137(a) and/or a petition under 37 CFR 1.137(b) requesting that the application be revived must meet the criteria indicated in the recent revision of 37 CFR 1.137.

As such, the 31 January 2000 Notification of Acceptance of Application was erroneously mailed by the DO/EO/US and must be vacated.

### CONCLUSION

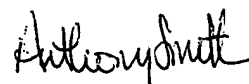
The petition under 37 CFR 1.182 is **DISMISSED** without prejudice and this application is **ABANDONED**.

Accordingly, the 31 January 2000 Notification of Acceptance of Application is hereby **VACATED**.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the International Division, Legal Staff.



Leonard Smith  
PCT Legal Examiner  
PCT Legal Office



Anthony Smith  
Petitions Attorney  
PCT Legal Office  
Telephone: (703) 308-6314  
Facsimile: (703) 308-6459